IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Heera & Ors. Vs. State of Rajasthan & Ors.

S.B. CIVIL WRIT PETITION NO. 3069/2007

Date of Order: May 25, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Ravindra Singh, for the petitioners.

BY THE COURT:

By the instant writ petition jointly filed by the petitioners, the petitioners seek to declare their retrenchment as illegal in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

From perusal of the averments made in para 2 of the writ petition, it is clear that all the petitioners herein as stated in the writ petition alleged to have been appointed on different dates and their retrenchment is also on different dates, therefore, it

cannot be said that all the petitioners have same cause. The joint writ petition filed by the petitioners is, therefore, not maintainable in view of the provisions of Rule 375(4) of the Rajasthan High Court Rules, 1952, which provides as under:

> "(4) An application by more than one person shall not be entertained except when the relief claimed is founded on the same cause of action."

In this view of the matter, the joint writ petition with different cause of action by very petitioners is not maintainable and, however, it is open for the petitioner to file individual writ petition. Even otherwise, the writ petition is not maintainable as an alternative and efficacious remedy is provided before the Industrial Disputes Tribunal and Labour Court under the provisions of Industrial Disputes Act, 1947 as has been held by a Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan, **1995 (1) RLR 1,** as under:

> "The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for settling the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act

> is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

In view of the aforesaid discussion, the writ petition stands dismissed. There shall be no order as to costs.

(H.R. PANWAR), J.

m.asif/-